



# Corporate Report

NO: R273

COUNCIL DATE: DECEMBER 12, 2005

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## REGULAR COUNCIL

TO: Mayor & Council DATE: December 8, 2005  
FROM: General Manager, Planning and Development FILE: 3900-30  
SUBJECT: Proposed Amendments to the Duplex Residential Zone (RM-D) and  
Other Housekeeping Amendments to Zoning By-law, 1993, No. 12000

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## RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Approve text amendments to Surrey Zoning By-law, 1993, No. 12000, as amended (the "Zoning By-law"), in the Duplex Residential (RM-D) Zone by adding a maximum floor area limit, driveway area restrictions and parking restrictions, and in the definitions section to the definition of "driveway", all as documented in Appendix I of this report; and
3. Authorize the City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the related Public Hearing.

## INTENT

The purpose of this report is to provide Council with information about the Duplex Residential (RM-D) Zone and to recommend text amendments to the "Zoning By-law" to provide a cap on the floor area of buildings, the width of driveways and the location of parking on any lot in the RM-D Zone. An amendment to the definition of "driveway", as contained in the Zoning By-law is also being recommended.

## BACKGROUND

At its Regular Meeting on January 10, 2005, Council considered a Planning Report related to a Development Permit application for the construction of a duplex at 7659 - 140 Street. The subject lot is located in a predominantly single family residential area. At 1,090 square metres (11,733 square feet), the lot was larger than the minimum 930-square metre (10,000-square foot) lot area required under the RM-D Zone. The total floor area of the proposed duplex contained in two storeys was 501 square metres (5,397 square feet). Additionally, the duplex contained a 230-square metre (2,482 square feet) in ground basement. An in ground basement (i.e., at least 50% below ground) is not counted as floor area for the purpose of the density (floor area ratio) calculation in the single family and duplex zones.

Although the proposed duplex was in compliance with the Zoning By-law, Council expressed concern with the massing of the building in the context of the single family residential area and requested that staff review the RM-D Zone with a view to providing a report to Council on the feasibility of implementing a limit on the area of buildings in the RM-D Zone, in a similar manner to the floor area restrictions contained in the Single Family RF Zones.

By-law Enforcement and Licensing Services staff was consulted through the course of the preparation of this report. They reported that complaints have been received from Surrey residents regarding the paving over of the front yards of lots located in the RM-D Zone to accommodate vehicle parking. There are currently no provisions in the RM-D Zone that prevent such action. By comparison, the RF Zones limit the area that a driveway may occupy in the front yard of a lot. A similar addition to the RM-D Zone is considered appropriate. In reviewing this matter, staff realized that there are some shortcomings with the current definition of "driveway" in the Zoning By-law and are recommending an appropriate amendment.

## DISCUSSION

### Maximum Floor Area

A "duplex" is defined in the Zoning By-law as:

*"A multiple unit residential building consisting of 2 dwelling units, excluding secondary suites, which are connected at or above finished grade by an interdependent structural system between rooms other than a garage or carport provided the interdependent structural system constitutes a minimum of 50% of the average building depth."*

The Duplex Residential Zone (RM-D) allows one duplex (two units) on a lot in this zone, provided that the lot has a minimum area of 930 square metres (10,000 square feet) and the lot has a minimum width of 24 metres (80 feet). The maximum lot coverage allowed in the zone is 33% (i.e., lot coverage is calculated as the area of the lot covered by buildings divided by the area of the lot) and the maximum floor area ratio ("FAR") is

0.48 (i.e., the FAR is calculated as the total floor area of buildings on the lot divided by the area of the lot).

Under these provisions, the building(s) constructed on a 930 square metre (10,000 square foot) lot could have a total maximum floor area of 446 square metres (4,800 square feet) [i.e., 10,000 square feet x 0.48 = 4,800 square feet]. Additionally, 90 square metres (960 square feet) of the floor area must be reserved for garages or carports and 20 square metres (210 square feet) must be reserved for accessory buildings. On a larger lot, the building floor area could be larger and would be restricted only by the maximum FAR of 0.48.

As the RM-D Zone is a multiple residential zone, a Development Permit is required for any new dwellings constructed on a lot in this zone. This allows Council the opportunity to regulate the form and character of duplex buildings so as to minimize the visual impact of the building mass on the surrounding area. The Official Community Plan ("OCP") contains policies to encourage new duplexes to be compatible with surrounding residential development, as follows:

- A shared driveway to the dwelling units on the lot when the lot is not a corner lot;
- Vehicular access from the public lane where a lane is located adjacent to the lot;
- The living and kitchen area for each dwelling to be located on the ground floor;
- That each unit in a duplex be uniquely identifiable through design; not mirror images;
- That the upper floor be set back and gables sloped to reduce visual impact from the perspective of the street;
- That features such as windows, entrances, shape of roof, materials, finishes, etc., be compatible with those prevalent on the street;
- Each unit on a corner lot should have its primary entrance facing a different street than the other unit; and
- That the length of façade without design variation should not exceed the width of one of the units.

Notwithstanding these guidelines and the mandatory Development Permit requirement, there is the potential for duplexes to be constructed that are much larger than other houses in the immediate neighbourhood. Most lots zoned RM-D are located in areas that are predominantly zoned Single Family Residential (RF). The Zoning By-law contains site coverage and floor area maximums for all single-family residential zones. For example, the Single Family Residential (RF) Zone provides an FAR of 0.52 for lots less than 560 square metres (6,000 square feet) and an FAR of 0.48 for lots larger than 560 square metres and restricts the floor area of buildings to a maximum of:

- 270 square metres (2,900 square feet) for lots 560 square metres (6,000 square feet) in area or less; and
- 330 square metres (3,550 square feet) for lots in excess of 560 square metres (6,000 square feet).

This permitted floor area includes 37 square metres (400 square feet), which must be reserved for a garage or carport.

Under current RM-D Zoning regulations, where a lot in the RM-D Zone has the minimum allowable area of 930 square metres (10,000 square feet) and a minimum width of 24 metres (80 feet), a duplex could be constructed with a floor area of 446 square metres (4,800 square feet) or an average of 223 square metres (2,400 square feet) per unit, including any floor area contained within a garage or covered parking area on the lot (except if the garage is located within an in ground basement). Depending on the lot area, a duplex structure has the potential to be imposing in the context of other homes in a single-family neighbourhood. For example, an RM-D lot with an area of 12,000 square feet could contain a duplex with a total floor area of 5,760 square feet ( $0.48 \times 12,000 = 5,760$ ).

### **Duplexes on Corner lots**

It is proposed that the floor area of 446 square metres (4,800 square feet), derived from the minimum lot size and maximum floor area ratio of the RM-D Zone, become the maximum floor area allowed in the zone, regardless of the lot area, provided that the lot is a corner lot (i.e., located at the intersection of two streets). The 446 square metres (4,800 square feet) of floor area would permit two reasonably sized units within the duplex, each containing a maximum 223 square metres (2,400 square feet) of floor area, including the area of a garage. The development permit guidelines in the OCP, related to any duplex on a corner lot, indicate that the duplex is to be designed such that each unit within the duplex faces a different street frontage. As such, the duplex for all practical purposes appears as a single-family residence from the perspective of either street frontage and, therefore, would blend in with adjacent single-family residences.

### **Duplexes on Lots other than Corner Lots**

Council policy encourages locating duplexes on corner lots, due to their potential visual impact. However, there are several lots in the City that are zoned RM-D and are located at mid-block locations. Due to their mid-block location, maintaining compatibility with the adjacent single family residences from the perspective of size and massing is more difficult, but also important.

It is proposed that the size of a duplex on a mid-block lot be restricted to a maximum of 372 square metres (4,000 square feet), including the floor area contained within garages on the same lot, regardless of the area of the lot. This will permit a total floor area of 186 square metres (2,000 square feet), including the garage for each of the two units within the duplex. Although the 372-square metre (4,000 square foot) floor area for such a duplex would be somewhat larger than the adjacent single family homes, it is considered to be reasonable, given the minimum lot area that lots in the RM-D Zone must have, which is 10,000 square feet in comparison to the typical RF lot that has an area of 6,000 to 7,200 square feet (i.e., the maximum floor area for an RF lot that is greater than 6,000 square feet in area is 3,550 square feet). Each dwelling unit in a mid-block duplex would be comparable to the 181 square metres (1,950 square feet) permitted for each of the two units within the side-by-side duplexes that are permitted on small lots under the RF-SD Zone.

## **Parking**

The Single Family Residential (RF) Zone limits the parking of vehicles in the front yard of a lot to a maximum of three, including a maximum of two cars or trucks and one trailer or camper or boat. The RF Zone also only allows outside parking on the driveway leading to a parking space in a garage, carport or a parking pad or associated paved portion of a front yard. The driveway cannot cover more than 33% of the total area of the front or required side yard, depending on whether the driveway is located in the front or side yard.

The RM-D Zone stipulates that outside parking for a maximum of two vehicles is permitted for each unit in the duplex. However, unlike the RF Zone, the RM-D Zone does not stipulate a maximum area in the front or side yard of the lot that a driveway may cover. Concerns are, from time to time, raised by residents regarding the unsightliness of front yards and side yards, which have been paved over for driveways and parking on some duplex lots. To deter the paving over of front and side yards for parking purposes in the RM-D Zone, the parking provisions of Zoning By-law should be amended to be consistent with the restrictions in the Single Family Residential Zone (RF).

In this regard, if lane access to the lot is feasible, it is proposed that driveway to the lot be provided from the lane. This will reduce the visual impact of driveways on the streetscape as well as provide for the continuity of sidewalks along the street.

For each duplex lot at a mid-block location that does not have access to a lane, either a single shared driveway from the street for use by both dwelling units is proposed or, where a single driveway is not used, the two driveways to the lot are to be separated by a landscaped space of at least 3.6 metres (12 feet), which is equivalent to the side yard separation between the garages of single family houses located on adjacent lots and would be reflective of the spacing of typical driveways serving single family lots along a local street.

Further, under the current RM-D Zone, depending on the area of the lot, large garages or carports can be constructed that can accommodate more than two cars. This can have a significant visual impact on a streetscape, particularly on streets that are otherwise dominated by single-family homes with single and double garages. It is proposed that the RM-D Zone only permit a single or double garage or single or double carport for each unit.

In summary, the following amendments to the RM-D Zone are proposed (as illustrated in the sketches in Appendix II to this report):

### **Duplexes on Corner Lots**

- Parking outside of a carport or garage on the lot is limited to a maximum of two vehicles (cars, trucks, campers, boats, house trailers) per dwelling unit and must occur only on a driveway leading to a garage, carport, or parking pad for each unit;
- Each unit in a duplex will be permitted either a single or double garage or single or double carport;

- A separate driveway is to be provided for each dwelling unit with each driveway having a maximum width of 6 metres (20 feet) at the property line and extending back at a uniform width from the property line to the garage, carport, or parking pad; and
- Where a public lane abuts the duplex lot, the driveway for one of the dwelling units on the lot must be constructed from the lane.

### **Duplexes on Lots other than Corner Lots**

- Parking outside of a carport or garage on the lot, is limited to a maximum of two vehicles (cars, trucks, campers, boats, house trailers) per dwelling unit and must occur on a driveway leading to a garage, carport, or parking pad for each unit;
- Each dwelling unit shall be permitted a single or double garage or single or double carport carport;
- The width of a driveway for each dwelling unit in a duplex is limited to a maximum of 6 metres (20 feet). Where a separate driveway is provided from the fronting street to each unit on the lot, the driveways are to be separated by a landscaped area of at least 3.6 metres (12 feet) in width. Where a common driveway is used to provide vehicular access to both dwelling units on a lot, the driveway will have a maximum width of 6 metres (20 feet) at the property line and taper uniformly to the face of the garages, carports or parking pads on the lot to a maximum total width of 12 metres (40 feet); and;
- Where vehicular access is available to the lot from an abutting lane, the driveways to the lot must be constructed from the lane.

### **Legal Non-Conforming Status**

If Council decides to adopt the amendments to the Zoning By-law, as recommended in this report, existing duplex buildings on RM-D lots within the City that have a floor area in excess of the new maximum floor area limits will become "legal non-conforming" buildings. Under this designation, they are allowed to be maintained and altered, but not expanded in floor area.

### **Housekeeping Amendment – Definition of "Driveway"**

The current definition of "driveway" in the Zoning By-law is:

"means a surfaced or paved portion of a single family *residential lot* that provides access for a *vehicle* from a *highway*, to a garage, carport, or parking pad".

This definition is deficient in that it only references "single family residential lots". A driveway is necessary to provide access to all developed lots in the City, regardless of

their use. It is recommended that the definition of "driveway", as contained in the Zoning By-law, be amended to read as follows:

"means a surfaced or paved portion of any *lot* that provides access for a *vehicle* to or from a *highway*".

## CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve text amendments to the Duplex Residential (RM-D) Zone, as contained in the Zoning By-law by adding a maximum floor area limit, driveway area restrictions and parking restrictions, all as documented in Appendix I of this report;
- Approve a text amendment to the definition of "driveway", as contained in the Zoning By-law, as documented in Appendix I of this report; and
- Authorize the City Clerk to bring forward the necessary amendment by-law for the required readings and to set a date for the related Public Hearing.

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General Manager  
Planning and Development

BP/kms/saw

### Attachments:

Appendix I Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000

Appendix II Illustration of Proposed Driveway Locations for the amended RM-D Zone

**Proposed Amendments to  
Surrey Zoning By-law, 1993, No 12000**

The following amendments are proposed to Surrey Zoning By-law, 1993, No. 12000, as amended:

**Part 1 Definitions**

1. Replace the definition of "Driveway" with the following:

"means a surfaced or paved portion of any *lot* that provides access for a *vehicle* to or from a *highway*".

**Part 18 Duplex Residential Zone RM-D**

1. Delete the word "and" at the end of subsection 1(a) of Section D. Density.
2. Delete subsection 1(b) of Section D. Density and replace it with the following:

"(b) For *building* construction within a *corner lot*, the maximum allowable floor area shall be 446 sq. m. [4,800 sq. ft.], provided that, of the allowable maximum floor area, 90 sq. m. [960 sq. ft.] shall be reserved for garage(s) or carport(s), and 20 sq. m. [210 sq. ft.] shall be reserved for use only as *accessory buildings* and *structures*; and".
3. Insert a new subsection 1(c) in Section D. Density after subsection 1(b), as follows:

"(c) For *building* construction within a *lot* other than a *corner lot*, the maximum allowable floor area shall be 372 sq. m. [4,000 sq. ft.], provided that, of the allowable maximum floor area, 90 sq. m. [960 sq. ft.] shall be reserved for garage(s) or carport(s) and 20 sq. m. [210 sq. ft.] shall be reserved for use only as *accessory buildings* and *structures*".
4. Insert the following as a new subsection 3 of Section H. Off-Street Parking and Loading/Unloading and re-number the existing subsection 3 as number 7:

"3. On a *corner lot*, *vehicle* parking is permitted in either the *front yard* or *side yard*, subject to the following:

  - (a) No off-street *parking space* shall be permitted within the required *front yard* or *side yard setback* except on a *driveway*;
  - (b) *Parking spaces* shall be located only on a *driveway* leading to a garage, carport or parking pad and in a garage, in a carport, or on a parking pad;



- (c) *Vehicle* access to each *dwelling unit* within the *duplex* shall be provided from a separate *driveway* with one of the two *driveways* constructed off the *frontage* street and the second *driveway* constructed off the *flanking street*, except where there is a lane up to or along the *rear lot line* or *side lot line*, in which case a minimum of one of the two *driveways* shall be constructed off the lane;
- (d) Where either the fronting *highway* or *flanking street* is designated an *arterial highway*, *vehicle* access to the *lot* shall be provided only as stipulated by Surrey Highway and Traffic By-law, 1997, No. 13007, as amended;
- (e) The total area of a *driveway* shall be as follows:
  - i. Each *dwelling unit* within the *duplex* may have one *driveway* with a maximum width of 6 metres [20 ft.], extending from the *lot line* to the garage, carport, or parking pad on the *lot*; and
  - ii. Where the *driveway* is constructed in a *side yard* off a *flanking street* all references to *front yard* within this section shall be read as *side yard*; and
- (f) The total number of *vehicles* parked on a *driveway* within the *front yard* or *side yard* shall not exceed two for each *dwelling unit* within the *duplex*".

5. Insert the following as a new subsection 4 of Section H. Off-Street Parking and Loading/Unloading, after the new subsection 3:

- "4. On a *lot* other than a *corner lot*, *vehicle* parking may be permitted in either the *front yard* or *side yard*, subject to the following:
  - (a) No off-street *parking space* shall be permitted within the required *front yard* or *side yard setback* except on a *driveway*;
  - (b) *Parking spaces* shall be located only on a *driveway* leading to a garage, carport or parking pad and in a garage, in a carport, or on a parking pad;
  - (c) *Vehicle* access to each *dwelling unit* within the *duplex* may be provided by a *driveway* with a

maximum width of 6 metres [20 ft.] extending from the *lot line* to the face of the garage, carport, or parking pad on the *lot*, provided that the *driveways* on the same *lot* must have a minimum landscaped separation of 3.5 metres [12 ft.] along the entire length of the two *driveways*;

- (d) As an alternative to 4(c), a single *driveway* may be used to provide access to both *dwelling units* on the *lot* provided that the *driveway* has a maximum width of 6.0 metres [20 ft.] at the *front lot line* and tapers uniformly to a total width no greater than 12.0 metres [40 ft.] at the face of the garages, carports or parking pads; and
- (e) The total number of *vehicles* parked on a *driveway* within the *front yard* or *side yard* shall not exceed two for each *dwelling unit* within the *duplex*".

- 6. Insert the following as a new subsection 5 in Section H. Off-Street Parking and Loading/Unloading, after the new subsection 4:

"5. Notwithstanding subsection H.4., where there is a lane up to or along the *rear lot line* or *side lot line*, *vehicle* access to a *lot* other than a *corner lot* is permitted only from the lane".

- 7. Insert the following as a new subsection 6 in Section H. Off-Street Parking and Loading/Unloading, after the new subsection 5:

"6. A single or double garage or a single or double carport is permitted for each unit on a *duplex lot* ".

Illustrations of Proposed Driveway Locations for the amended RM-D Zone



